

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA	)	CRIMINAL CASE NO. 04-10231-MLW
	)	
v.	)	
	)	
PETER V. MAGGIO, III, <i>ET AL.</i>	)	
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GOVERNMENT'S OPPOSITION, IN PART, TO DEFENDANT'S  
MOTION AND MEMORANDUM FOR SEQUESTRATION OF WITNESSES

The Government opposes, in part, defendant Havey's motion and memorandum for sequestration of witnesses.

Sequestration of witnesses is a matter within this Court's discretion.

The Government concurs generally with entry of an Order for the sequestration of witnesses, with two exceptions which are neither extraordinary but will both expedite the proceedings:

1. Special Agent Scott Robbins, the lead case agent.

The exception is particularly applicable in this case where there are multiple defendants and the case agent is most familiar with the very large volume of documents. The Government's presentation of the evidence will be expedited and less confusing to the jury if the Assistant U.S. Attorney has the assistance of the agent. Moreover, Special Agent Scott Robbins has routinely directed defense counsel to documents of interest to them among the large volume, and could continue to do so at trial, thereby further expediting the presentation to the jury.

2. Chris Gizzi, the Financial Analyst.

Mr. Gizzi has produced preliminary summary exhibits and will be called as a summary witness pursuant to Rule 1006, F.R.Crim.P. The exception is particularly applicable in this case which 184 pieces of construction equipment, under 89 loans, among 12

lenders, totaling \$21,651,533.90, in the names of 17 borrowers [including multiple company names used by individual defendants], resulting in net losses of \$15,731,860.33. Mr. Gizzi will be aware in the event this Court enters rulings at trial that should impact and/or modify summary exhibits and summary testimony, and Mr. Gizzi will thus be prepared to make adjustments according to the testimony and evidence determined by this Court.

In other regards, the Government joins defendant Havey's motion for sequestration.

WHEREFORE, the Government opposes, in part, defendant Havey's motion for sequestration of witnesses.

Respectfully submitted this 7th day of April, 2006.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the attorneys listed below a copy of the foregoing document.

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